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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,281	09/21/1999	TORU TATEISHI	04284.0815	3269

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EXAMINER

BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/400281

Applicant(s)

Tateishi

Examiner

Blount

Group Art Unit

2661

TD

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3/4/02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

1. Applicant is requested to remove the numeral "1." from the first line of the abstract.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 10 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 5,859,840 to Tiedemann Jr. et al in view of U.S. patent 5,974,106 to Dupont et al.

With regard to claim 1, Tiedmann Jr. et al teaches a plurality of base stations wherein information concerning the number of channels (including any change in the number of channels via the use of additional channels - see col 2, line 43) is sent between the base stations through the use of a "message" (see col 2 lines 49+ and col 5 lines 25+) which is sent out prior to the assignment and implementation of the additional channels. Although Tiedmann Jr. et al teach the use of additional demodulators to demodulate this additional information, Tiedmann Jr. does not explicitly teach the means for synchronizing the data rate at *the* mobile receiver to comprise having a first mobile sender send *the* mobile receiver a data rate synchronization message.

Dupont et al teach having a sender (mobile station, see col 2, lines 14+) adapt to varying data rate conditions by synchronizing the data rate between the sender and the receiver by

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sending the receiver a data rate synchronization message, wherein the receiver uses this information to set its received transmission rate. See col 2 lines 10+ and 50+; and the abstract generally.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Tiedemann Jr. et al with a synchronization means comprising sending a data rate synchronization message between the mobile receivers, in light of the teachings of Dupont et al, in order to allow the mobile receiver to adjust to the changes in data flow which occur in tandem with changing the number of channels.

With regard to claims 2 - 5, it is noted that the data rate is selected based upon the number of channels designated in the message as notified by the sender in the "message" which is detected by the receiver, and that this information is by definition "control information".

With regard to claim 6, the cell base stations 12 depicted in figure 1 of Tiedemann Jr. et al are connected communication apparati which communicate in the claimed process as described in the rejection of claim 1 in the manner discussed in the Tiedmann Jr. et al and Dupont et al references, as previously noted.

With regard to claims 7 - 10, see the rejection of claims 3 - 6 above, and note that the process is described in the relevant portions of the Tiedmann Jr. et al and Dupont et al references, as described with respect to the apparatus features.

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Contact Information

4. Examiner Blount may be contacted at the Patent Office between the hours of 9:00 am to 5:30 P.M. Monday through Friday. His phone number is (703) 305-0319.

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SB

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12/10/02